

From: [John Martin](#)
To: [Brett Gaines](#)
Cc: [Jeff Danielson](#)
Subject: That's great!!!Re: Fw: JM Settlement Agreement Westbank/Marrero Map v5
Date: 05/15/2012 02:45 PM

thanks

John J. Martin (6SF-PE)
Federal On-Scene Coordinator
US Environmental Protection Agency
1445 Ross Ave / Dallas, Texas 75202
OFFICE: (214) 665 - 6748 FAX: (214) 665 - 2278

▼ [Brett Gaines](#)---05/15/2012 02:37:15 PM---Hi John, Here is the new map with the important street names shown, as well as the pipeline referenc

From: Brett Gaines/R6/USEPA/US
To: John Martin/R6/USEPA/US@EPA
Cc: James Costello/R6/USEPA/US Jeff Danielson/R6/USEPA/US@EPA
Date: 05/15/2012 02:37 PM
Subject: Re: Fw: JM Settlement Agreement Westbank/Marrero Map v5

Hi John,

Here is the new map with the important street names shown, as well as the pipeline referenced in the document now labeled. Let me know if you would like any changes or anything else.

[attachment "WestBank_Asbestos_v5.pdf" deleted by John Martin/R6/USEPA/US]

Brett Gaines
Lockheed Martin
GIS Support - EPA Region 6
214.665.8560
Gaines.Brett@epa.gov

▼ [John Martin](#)---05/10/2012 03:50:54 PM---Attached below is the map. We would like to redo the map with the proposed edits. thanks ----- Fo

From: John Martin/R6/USEPA/US
To: Jeff Danielson/R6/USEPA/US@EPA, Brett Gaines/R6/USEPA/US@EPA
Date: 05/10/2012 03:50 PM
Subject: Fw: JM Settlement Agreement Westbank/Marrero

Attached below is the map. We would like to redo the map with the proposed edits. thanks

----- Forwarded by John Martin/R6/USEPA/US on 05/10/2012 03:49 PM -----

From: James Costello/R6/USEPA/US
To: John Martin/R6/USEPA/US@EPA
Cc: "Long, Kenneth (ENRD)" <Kenneth.Long@usdoj.gov>, Lance Nixon/R6/USEPA/US@EPA
Date: 05/10/2012 01:29 PM
Subject: Fw: JM Settlement Agreement Westbank/Marrero

John,

Would you please look at JM's revised map ASAP and make sure it is OK?

Jim
x8045

----- Forwarded by James Costello/R6/USEPA/US on 05/10/2012 01:27 PM -----

From: "Long, Kenneth (ENRD)" <Kenneth.Long@usdoj.gov>
To: James Costello/R6/USEPA/US@EPA
Date: 05/10/2012 01:24 PM
Subject: FW: JM Settlement Agreement Westbank/Marrero

I am around tomorrow if you wish to discuss. This sounds very positive, but I have not yet reviewed. Ken

From: Kenney, Edward P. [<mailto:ekenney@sidley.com>]
Sent: Thursday, May 10, 2012 12:27 PM

To: Long, Kenneth (ENRD); brent.tracy@jm.com; James Costello; costello.james@epa.gov
Subject: RE: JM Settlement Agreement Westbank/Marrero

Gentlemen:

Attached is a slightly revised draft and map; the only revision to the settlement agreement is in the definition of "Excluded properties" in Paragraph 10 and on the map (in which the covered area is smaller than the government's first proposed map, but slightly larger than the government's second proposed map). The JM proposed map attached includes in the designated "Excluded properties" two parcels that JM purchased from Celotex and owned for a few years, and does not include publicly owned areas (the road and levee) that JM neither presently nor formerly owned. JM has also changed the labels on the map (to "Properties Currently or Formerly Owned by Johns Manville". We believe that these changes provide a more precise delineation of "Excluded Properties" and are consistent with our previous discussions, and are prepared to recommend that JM management sign the agreement with these changes.

In the event that you wish to discuss, Brent and I would be available for a telephone conference on Friday, May 11, 2012, possibly on Wednesday May 16 (my schedule is in somewhat a state of flux), or Friday, May 18.

Please contact me if you have questions or comments.

Edward P. Kenney
Sidley Austin LLP
One South Dearborn Street
Chicago, Illinois 60603
(312)853-2062

From: Long, Kenneth (ENRD) [<mailto:Kenneth.Long@usdoj.gov>]
Sent: Friday, May 04, 2012 10:09 AM
To: Kenney, Edward P.; brent.tracy@jm.com; James Costello
Subject: RE: JM Tolling Agreement and Status

Alright Ed. Thank you for the explanation. It would still be helpful to walk through your concerns about the map with EPA in some detail. Ken

From: Kenney, Edward P. [<mailto:ekenney@Sidley.com>]
Sent: Friday, May 04, 2012 10:55 AM
To: Long, Kenneth (ENRD); brent.tracy@jm.com; James Costello
Subject: RE: JM Tolling Agreement and Status

JM has always been and remains concerned with the language of the excluded properties provision and the map. Even the government's latest map is overly broad, since it includes public properties including River Road and the levee. On that basis, JM saw the need to fully research the property ownership to ensure the provision is properly stated. We had attempted to address this issue with the language we proposed last fall, but the government did not accept JM's proposed language. In addition, JM needs to go through its internal approval process in advance of final agreement. We have nearly completed addressing both of these items, and anticipate getting back to you shortly.

Edward P. Kenney
Sidley Austin LLP
One South Dearborn Street
Chicago, Illinois 60603
(312)853-2062

From: Long, Kenneth (ENRD) [<mailto:Kenneth.Long@usdoj.gov>]
Sent: Friday, May 04, 2012 9:05 AM
To: Long, Kenneth (ENRD); Kenney, Edward P.; brent.tracy@jm.com; James Costello
Subject: RE: JM Tolling Agreement and Status

Here is the tolling agreement.

From: Long, Kenneth (ENRD)
Sent: Friday, May 04, 2012 9:51 AM
To: 'Kenney, Edward P.'; brent.tracy@jm.com; James Costello
Subject: JM Tolling Agreement and Status

Hello Ed and Brent. Attached is the signed amended tolling agreement. I am concerned about the delay in finalizing the settlement agreement. What is the holdup in providing your final OK for signature? We have read through the agreement on the phone together and addressed your previous comments. EPA sent a revised map. Let's set up a call to finalize this agreement. I propose next Tuesday or Wednesday. Are you available? Ken

Kenneth G. Long
Senior Attorney
Environmental Enforcement Section
U.S. Department of Justice
P.O. Box 7611
Washington, D.C. 20044-7611
202-514-2840
202-616-6584 (fax)

Express Mail Deliveries:
ENRD Mailroom, Room 2121
601 D Street, NW
Washington, DC 20004

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[attachment "ENV_ENFORCEMENT-#2158351-v1-JM_revisedsettlementagreement_2_16_2012_JM Markup.doc" deleted by Brett Gaines/R6/USEPA/US] [attachment "WestBank_Asbestos_Map Markup.pdf" deleted by Brett Gaines/R6/USEPA/US]